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#5
Peterson
W
Assn
7/22/03

Docket No. GR 95 P 3487

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

By: _____

Date: July 8, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anwer Puthawala et al.
Applic. No. : 09/050,651
Filed : March 30, 1998
Title : Apparatus for Admitting Gas into the Primary Coolant of a Pressurized Water Reactor
Art Unit : 3641

PETITION UNDER 37 C.F.R. §1.8(b)

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Hon. Commissioner for Patents,

Sir:

The facts leading to this petition are as follows:

Applicants received a *Notice of Abandonment*, in the above-identified application. According to the notice, a copy of which is enclosed herewith, applicants had allegedly not responded to the *Notice to File Missing Parts of Non-Provisional Application* mailed on May 4, 1998.

Applicants did indeed respond by submitting a cover letter with the executed declaration on June 23, 1998. The letter bore a mailing certificate under 37 CFR §1.8, which was properly executed on that date. The postcard which accompanied said letter was not returned to counsel.

Enclosed herewith, in accordance with Rule 8(b), is a copy of:

- the cover letter including the signed declaration
- a declaration by Ralph E. Locher corroborating the averment that the above letter was indeed mailed on June 23, 1998.

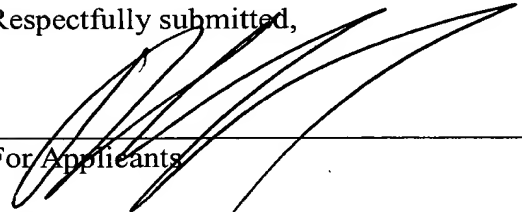
In view of the foregoing, applicants respectfully request that the *Notice of Abandonment* be rescinded and that the application be restored to pending status.

The reason for filing this petition nearly two years after the application became abandoned is that counsel has just become aware of the abandonment on June 25, 2003. The following letters were submitted to the PTO in absence of an action from the PTO:

1. June 6, 2000: Status letter
2. July 16, 2002: Status letter
3. April 28, 2003: Status letter

Copies of all mailings are included with this petition including the postcards accompanying our status letters of July 16, 2002 and April 28, 2003. However, counsel did not receive an answer to the first two mailings. In answer to our status letter of April 28, 2003, counsel received a telephone call from Mrs. Shirley Steele informing counsel of the abandonment. Upon request, a copy of the *Notice of Abandonment* was faxed to counsel on June 25, 2003. The date on the *Notice of Abandonment* is not legible. Counsel has made two further requests for another copy of the *Notice of Abandonment*. However, counsel has not yet received another copy thereof.

Respectfully submitted,



For Applicants

Date: July 8, 2003

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101
/bb



Docket No.: GR 95 P 3487

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anwer Puthawala et al.
Applic. No. : 09/050,651
Filed : March 30, 1998
Title : Apparatus for Admitting Gas into the Primary Coolant of a Pressurized Water Reactor
Art Unit : 3641

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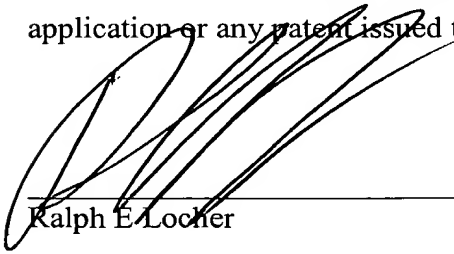
GROUP 3600

DECLARATION
TO ACCOMPANY PETITION UNDER 37 C.F.R. §1.8(b)

I, Ralph E. Locher, hereby declare that:

- ❖ I personally signed the mailing certificate on the cover letter accompanying the signed declaration on June 23, 1998.
- ❖ I herewith certify that the declaration was indeed mailed by first class mail on the date indicated therein.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Ralph E. Locher

Date: July 8, 2003



Docket No.: GR 95 P 3487 P

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By: 

Date: June 23, 1998

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anwer Puthawala et al.
Applic. No.: 09/050,651
Filed : March 30, 1998
Title : Apparatus for Admitting Gas into the Primary Coolant of a Pressurized Water Reactor
Art Unit : 3641

LETTER

Hon. Commissioner of Patents and Trademarks,
Washington, D.C. 20231

Sir:

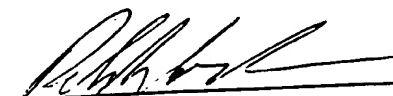
The above-mentioned new patent application was filed on March 30, 1998 without a signed oath or declaration, under the provision of 37 C.F.R. 1.53(d).

In accordance with the above-mentioned rule, enclosed herewith is the original signed declaration as required by the Notice To File Missing Parts dated May 4, 1998.

The undersigned hereby states that the application filed in the Patent and Trademark Office is the application which the inventor(s) executed by signing the declaration. MPEP 601.01(a)(6).

The fee required for the late filing of an oath or declaration in the amount of \$130.00 is also enclosed.

Respectfully submitted,



For Applicant(s)

/xdj

Date: June 23, 1998

RALPH E. LOCHER
REG. NO. 41,947

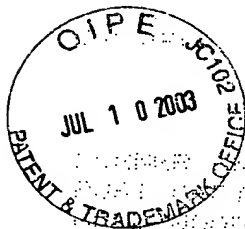
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GROUP 3600

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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DATE MAILED:

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) or (g)
(Filing Date Granted)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on MAY 4, 1998.

- ☒ No reply was received.
☐ The reply received on _____ was untimely.
☐ The reply received on _____ was improper. The reply did not include:

- ☐ 1. The surcharge under 37 CFR 1.16(e) required for filing the basic filing fee or oath or declaration on a date later than the filing date of a nonprovisional application.
☐ 2. The surcharge under 37 CFR 1.16(i) required for filing the basic filing fee or cover sheet on a date later than the filing date of a provisional application.
☐ 3. The full amount of the basic filing fee under 37 CFR 1.16 (a), (f), (g), (k).
(Note: A nonprovisional application may not be relied on for benefits under 35 U.S.C. 120 and 37 CFR 1.78 unless the processing and retention fee set forth in 37 CFR 1.21(f) is paid within the one year period set forth in 37 CFR 1.53(f). A provisional application may not be relied on for benefits under 35 U.S.C. 119(e) and 37 CFR 1.78 unless the basic filing fee is paid).
☐ 4. The oath or declaration of all the inventors required under 37 CFR 1.63 for this nonprovisional application.

- ☐ The letter of Express Abandonment filed on _____ is acknowledged; however, the application is abandoned for failure to timely or properly reply to the Notice as indicated above.

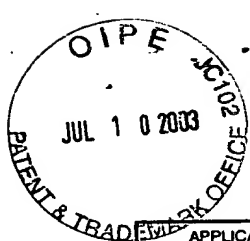
A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

Customer Service Center
Initial Patent Examination Division (703) 308-1202



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/050,651	03/30/98	PUTHAWALA	A GR-95-P-3487

0232/0504
LERNER AND GREENBERG
POST OFFICE BOX 2480
HOLLYWOOD FL 33022-2480

NOT ASSIGNED

3641

DATE MAILED:

05/04/98

NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☒ non-small entity is \$ 130.

- ☐ 1. The statutory basic filing fee is:
- ☐ missing.
 - ☐ insufficient.
- Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.
- \$ _____ for _____ independent claims over 3.
- \$ _____ for _____ dependent claims over 20.
- \$ _____ for multiple dependent claim surcharge.
- Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.
- ☒ 3. The oath or declaration:
- ☐ is missing or unexecuted.
 - ☐ does not cover the newly submitted items.
 - ☐ does not identify the application to which it applies.
 - ☐ does not include the city and state or foreign country of applicant's residence.
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.
- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

B. DAVENPORT
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 / ATTORNEY/APPLICANT COPY

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Docket No.: GR 95 P 3487

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : ANWER PUTHAWALA ET AL.
Appl. No. : 09/050,651
Filed : March 30, 1998
Title : APPARATUS FOR ADMITTING GAS INTO THE
PRIMARY COOLANT OF A PRESSURIZED WATER
REACTOR

STATUS LETTER

Hon. Commissioner of Patents and Trademarks,
Washington, D.C. 20231

Sir:

It is respectfully requested that this Status Letter be returned to:

LERNER AND GREENBERG, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

with an indication as to when an action may be expected.

Respectfully submitted,


For Applicants

Date: June 6, 2000

/tg

LAURENCE A. GREENBERG
REG. NO. 29,308

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Docket No.: GR 95 P 3487 P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anwer Puthawala et al
Appl. No. : 09/050,651
Filed : March 30, 1998
Title : Apparatus for Admitting Gas into the Primary Coolant
of a Pressurized Water Reactor

STATUS LETTER

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Washington, D.C. 20231

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Tel: (954) 925-1100
Fax: (954) 925-1101

with an indication as to when an action may be expected.

Respectfully submitted,

Stacy Chestnut
For Applicants

Date: July 16, 2002

/sc

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DOCKET NO. G.R. 95P3487.P. Mailed 7/16/02

APPLIC. NO. 09/050,651 Express Mail

The stamp of the Patent Office hereon may be considered the date on which papers indicated below were received.

Applic pgs ... Rule 53h New ☐ Contin ☐ Div ☐ CIP ☐ / Rule 53c Prov. ☐ / Rule 53d CPA ... RCE ☐
☒ IP ... pgs ☐ Design ☐ ... Dwgs ☐ Declaration ☒ Mailing Certif.
☐ Priority Claim ☐ Cert. Prior. Doc(s) ☐ PCT Cover Sheet WO ...
☐ Amend pgs ... ☐ Prel. Amend pgs ... ☒ Letter
☐ Response pgs ... ☐ 37CFR1.116 ☐ Not. of Appeal
☐ Brief pgs ... ☐ Appndx pgs ... ☐ I.D.S. + ... Refs.
☐ Assoc Pwr of Atty ☐ Credit Card \$...
☐ Pet. for Ext ... Mo. ☐ Pet. ... ☐ Check \$...
☐ Issue Fee ☐ Assignment ☐ PTOL ...
☐ Cert. Trans. ☐ Cert. of Corr. ☐ File rec. corr

Status letter

(Patent Office: Please stamp and return to addressee on reverse side.)



PB METER
8388252

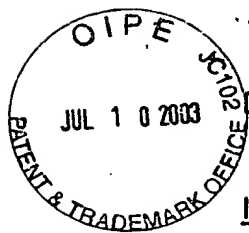
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Hollywood, FL 33022-2480

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Docket No.: GR 95 P 3487 P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anwer Puthawala, et al.
Appl. No. : 09/050,651
Filed : March 30, 1998
Title : Apparatus for Admitting Gas into the Primary Coolant
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STATUS LETTER

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Washington, D.C. 20231

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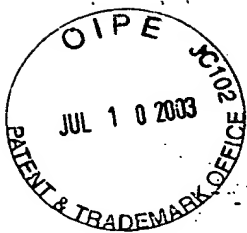
Respectfully submitted,

For Applicant

Date: April 28, 2003

/av

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LET NO. GR95P3487 Mailed April 28, 2003
NO. 09/050,651 Express Mail

The stamp of the Patent Office hereon may be considered the date on which papers indicated below were received.

Applic pgs ... Rule 53b New ☐ Contin ☐ Div ☐ CIP ☐ / Rule 53c Prov. ☐ / Rule 53d CPA ... RCE ☐
☐ CIP ... pgs ☐ Design ☐ ... Dwgs ☐ Declaration ☒ Mailing Certif.
☐ Priority Claim ☐ Cert. Prior. Doc(s) ☐ PCT Cover Sheet WO
☐ Amend pgs ... ☐ Prel. Amend pgs ... ☒ Letter
☐ Response pgs ... ☐ 37CFR1.116 ☐ Not. of Appeal
☐ Brief pgs ... ☐ Appndx pgs ... ☐ I.D.S. + ... Refs.
☐ Assoc Pwr of Atty ☐ Credit Card \$
☐ Pet. for Ext Mo. ☐ Pet. ☐ Check \$
☐ Issue Fee ☐ Assignment ☐ PTOL
☐ Cert. Trans. ☐ Cert. of Corr. ☐ File rec. corr.

Sharon S. Lerner



LERNER AND GREENBERG, P.A.
P.O. Box 2480
Hollywood, FL 33022-2480

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GROUP 3600

Docket No.: GR 95 P 3487 P

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By: _____

Date: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anwer Puthawala et al.

Applic. No.: 09/050,651

Filed : March 30, 1998

Title : Apparatus for Admitting Gas into the Primary Coolant of a Pressurized Water Reactor

ASSOCIATE POWER OF ATTORNEY

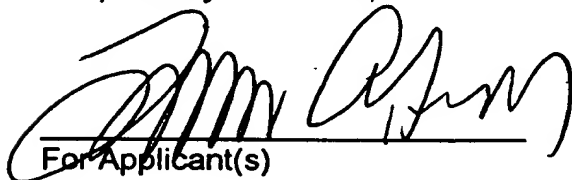
Hon. Commissioner of Patents and Trademarks,
Washington, D.C. 20231

Sir:

Please recognize RALPH ERIC LOCHER (Reg. No. P-41,947) as my associate in the matter in the above-identified application, with full powers. Please continue addressing all communications to the following address:

Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480

Respectfully submitted,



For Applicant(s)

LAURENCE A. GREENBERG
REG. NO. 29,308

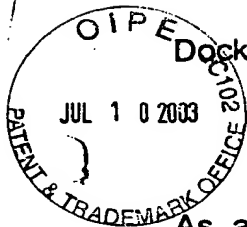
Date: June 23, 1998

Lerner and Greenberg, P.A.
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Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

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JUL 14 2003
GROUP 3000

/xdj

Docket No.: GR 95 P 3487



**COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**APPARATUS FOR ADMITTING GAS INTO THE PRIMARY COOLANT
OF A PRESSURIZED WATER REACTOR**

described and claimed in the specification bearing that title, that I understand the content of the specification, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve month prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application under 37 C.F.R. 1.56a, and that no application for patent or inventor's certificate of this invention has been filed earlier than the following in any country foreign to the United States prior to this application by me or my legal representatives or assigns:

German Application Serial No. 195 36 450.3, filed September 29, 1995, the International Priority of which is claimed under 35 U.S.C. §119; and International Application Serial No. PCT/EP96/04057, filed September 16, 1996, the Priority of which is claimed under 35 U.S.C. §120.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

HERBERT L. LERNER (Reg.No.20,435)
LAURENCE A. GREENBERG (Reg.No.29,308)
WERNER H. STEMER (Reg.No.34,956)

Address all correspondence and telephone calls to:

LERNER AND GREENBERG, P.A.
POST OFFICE BOX 2480
HOLLYWOOD, FLORIDA 33022-2480
Tel: (954) 925-1100 - Fax: (954) 925-1101

RECEIVED

JUL 14 2003

GROUP 3600

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST JOINT INVENTOR: ANWER PUTHAWALA

INVENTOR'S SIGNATURE: Anwer Puthawala

DATE: April 30, 1998

Residence: BUCKENHOF, GERMANY

Country of Citizenship: GERMANY

Post Office Address: WEISELSTRASSE 46
D-91054 BUCKENHOF
GERMANY

FULL NAME OF SECOND JOINT INVENTOR: HELMUT STÜNKEL

INVENTOR'S SIGNATURE: Helm Stünkel

DATE: April 30, 1998

Residence: ERLANGEN, GERMANY

Country of Citizenship: GERMANY

Post Office Address: BURGBERGSTRASSE 33
D-91054 ERLANGEN
GERMANY
